

Minutes of the Joint Hearing of the Planning Commission of the City of La Salle and the
Zoning Board of Appeals
City Hall-745 Second Street, La Salle, IL 61301
February 3, 2020

The meeting was called to order at 5:08 p.m. by Planning Commission Chairman Tom Pigati.

ROLL CALL OF PLANNING COMMISSION:

PRESENT: Tom Pigati, John Fletcher, Larry Happ, Bart Hartauer, Leah Inman, Tyler Ketter, Jeff Sloan, Luke Tomsha

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Others Present: Attorney Jim McPhedran, City Clerk Carrie Brown, Economic Development Director Katherine Koyak, Petitioner Andrew Martinez

A quorum was present.

ROLL CALL OF ZONING BOARD

PRESENT: Bob Thompson, Larry Happ, Sam McNeilly, Mike Schmotzer

ABSENT: Nikki Baer, June Gardner

Others Present: Attorney Jim McPhedran, City Clerk Carrie Brown, Economic Development Director Katherine Koyak, Petitioner Andrew Martinez

A quorum was present.

Chairman Pigati reviewed the general proceedings for the evening and then explained the two petitions under consideration by the Planning Commission and Zoning Board of Appeals. The petitioner, Andrew Martinez, has petitioned the City for a Special Use Permit to operate an Adult-Use Cannabis Dispensing Establishment at 853 First Street. Mr. Martinez presently has an option to lease the property, contingent upon receiving a license from the State of Illinois. Adam Sondgroth/Sondgroth Holdings, LLC is the landlord of the building and contract purchaser from the owner on record, Mr. Frank Fouts. Both the owner and contract purchaser have given their written consent and approval for Mr. Martinez to operate a cannabis dispensary from this location were he to receive the necessary approvals.

In addition, Mr. Martinez has petitioned the Zoning Board of Appeals for a variance to operate an Adult-Use Cannabis Business establishment less than 250 feet from residential or potential residential. 853 First Street is currently zoned C-3, which allows for the operation of this type of business, however in order to comply with ordinance, the variance is needed.

Chairman Pigati stated that if everyone was familiar with the location of the proposed establishment, he would forego the reading of the legal description of the property. There was no objection to this.

Larry Happ questioned if our ordinance addresses how many feet a cannabis related business can be from a religious institution. Attorney McPhedran stated that Mr. Happ brings up a good point and at this time it is not addressed in our current ordinance. He added that the ordinance was modeled after one provided by the IML which did not

contain language concerning this issue. However, this is something that can be considered as a future amendment by the Planning Commission and the City Council.

Planning Commission

It was moved by Larry Happ and seconded by Luke Tomsha to forego the reading of the formal notice of hearing, but to enter it as Exhibit #1 as part of the record.

ROLL CALL:

AYES: Tom Pigati, John Fletcher, Larry Happ, Bart Hartauer, Leah Inman, Tyler Ketter, Jeff Sloan, Luke Tomsha

NAYS: None

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Motion carried. 8-0

Zoning Board of Appeals

It was moved by Larry Happ and seconded by Bob Thompson to forego the reading of the formal notice of hearing, but to enter it as Exhibit #1 as part of the record.

ROLL CALL:

AYES: Bob Thompson, Larry Happ, Sam McNeilly, Mike Schmotzer, McNeilly,

NAYS: None

ABSENT: Nikki Baer, June Gardner

Motion carried. 4-0

Planning Commission

It was moved by Leah Inman and seconded by Larry Happ that all evidence presented shall be considered by both the Planning Commission and the Zoning Board of Appeals.

ROLL CALL:

AYES: Tom Pigati, John Fletcher, Larry Happ, Bart Hartauer, Leah Inman, Tyler Ketter, Jeff Sloan, Luke Tomsha

NAYS: None

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Motion carried. 8-0

Zoning Board of Appeals

It was moved by Leah Inman and seconded by Larry Happ that all evidence presented shall be considered by both the Planning Commission and the Zoning Board of Appeals.

ROLL CALL:

AYES: Bob Thompson, Larry Happ, Sam McNeilly, Mike Schmotzer, McNeilly,

NAYS: None

ABSENT: Nikki Baer, June Gardner

Motion carried. 4-0

Planning Commission

It was moved by John Fletcher and seconded by Bart Hartauer to enter the complete application packet provided to members of the Planning Commission and the Zoning Board of Appeals as Exhibit #2.

ROLL CALL:

AYES: Tom Pigati, John Fletcher, Larry Happ, Bart Hartauer, Leah Inman, Tyler Ketter, Jeff Sloan, Luke Tomsha

NAYS: None

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Motion carried. 8-0

Zoning Board of Appeals

It was moved by Larry Happ and seconded by Mike Schmotzer to enter the complete application packet provided to members of the Planning Commission and the Zoning Board of Appeals as Exhibit #2.

AYES: Bob Thompson, Larry Happ, Sam McNeilly, Mike Schmotzer

NAYS: None

ABSENT: Nikki Baer, June Gardner

Motion carried. 4-0

Chairman Tom Pigati then swore in petitioner Andrew Martinez.

Mr. Martinez stated that he would like to open a recreational cannabis dispensary in La Salle. He stated that one of the State of Illinois requirements as part of operating a cannabis dispensary is to offer classes to educate the community on the topic, which he plans to do. He stated that he currently owns two other businesses and conducts fundraisers and has donated over \$20,000 to various charities in the community. He would continue to do so as a La Salle Business owner. Mr. Martinez referenced comments sent by Nikki Baer, Planning Commission and Zoning Board member, that expressed her concerns about parking. She referenced the Ottawa dispensary and stated that it is always packed and parking is an issue. Mr. Martinez stated that he would work with other businesses to improve their parking lots and would ensure a licensed security team is on-site. He stated that security is a state requirement anyway. He stated that he plans to invest \$250,000 in the building and it would look very professional.

Larry Happ inquired how much of the \$250,000 would be used to bring the building to code. Mr. Martinez stated that the building is gutted, so he estimates it would take \$125,00 for the build out of the inside to meet the state's requirements.

Larry Happ asked Mr. Martinez if he was leasing to buy. Mr. Martinez stated that he has a verbal agreement with Mr. Fouts that if he receives approval by the state, he will buy the building and Mr. Fouts has agreed to that. Mr. Happ stated that it is his understanding that we are giving the property the permit, not the individual. Attorney McPhedran stated that in regard to the Special Use Permit, if it is given to an individual, the council can add restrictions that prohibits assignment to a different individual without the consent of the City Council. Chairman Pigati asked what the hours of operation would be. Mr. Martinez stated they would be 10 a.m. until 6 p.m. daily, except for Sunday.

Sam McNeilly inquired as to what types of fundraising Mr. Martinez has done. Mr. Martinez stated that he has raised money for St. Margaret's Hospital, individuals in need, and has made donations to groups such as IVAR. He stated that he also bought new volleyballs for Trinity Catholic Academy.

Tom Pigati asked if the hours are set by the state. Mr. Martinez responded yes, that the state sets the hours of operation.

Bart Hartauer asked if Mr. Martinez applied to the state only for this particular location or for any location. Mr. Martinez stated that he applied solely for the 853 First Street location because he has a better chance of receiving licensure as the property is located

in the "blue light district." The blue district are areas that have been impacted by crime and have been designated as such by the state.

Bob Thompson asked what other businesses Mr. Martinez owns. He stated that he owns Drewski's in Spring Valley and a CBD glass shop called Outer Limits.

Larry Happ asked how many employees Mr. Martinez plans to have. Mr. Martinez responded that he plans to have 6-8 employees in addition to security personnel. Mr. Happ stated that he assumes those employees will probably drive to work and then asked where the employees will park. Mr. Martinez stated that he will work with the Flamingo to see if they would work with him on utilizing their lot or perhaps also work with La Salle Office Supply. He also stated that he would work with other businesses to make their parking lots better. Mr. Happ stated that there are only so many parking spaces in front of each business. Mr. Martinez stated that he doesn't anticipate opening for over a year, so he believes the hype may die down by then which would also help with the parking issue.

Tom Pigati asked if in the event he receives approval, is it only for this specific location. Mr. Martinez stated that he wants it in the downtown area. He stated that adding a dispensary would be beneficial. He said he is not limited to that location. Attorney McPhedran stated if he changed locations, Mr. Martinez would have to repetition the City for any required permits or variances.

John Fletcher asked if there was anyway to minimize the line that may form outside, by utilizing a que inside the building. Mr. Martinez stated that he could absorb some of the line indoors.

Mike Schmotzer asked Mr. Martinez what his projected revenue is. Mr. Martinez stated that he did not have projections. He indicated that the state made \$40,000,000 million in the first month.

Larry Happ asked if Mr. Martinez is connected with the Ottawa facility. He stated that he is not.

Bob Thompson asked if he was the sole applicant for the license and the sole owner. Mr. Martinez stated that he is the sole applicant and would be the sole owner, however he has investors.

Leah Inman asked how many units are in the 851-853 First Street building. It was determined there are two units, however, with the dispensary, there cannot be residential in the building.

Luke Tomsha asked if Mr. Martinez has any plans as to how he will work with the community. Mr. Martinez again stated he would hold free educational classes for the public. Mr. Tomsha asked if he has a proposed visual of what the storefront would look like. Mr. Martinez stated he plans to re-do all the brick and put a new top on it. Mr. Tomsha asked if he had any idea of what his chances are in regard for approval from the state. Mr. Martinez said he is hoping for the best and submitted the application for a location in the blue light district hoping that gives him a better opportunity for licensure.

Attorney McPhedran asked if he had plans for access points. He stated there will be two entrances, one which will be used by the public. He stated there will be a waiting room in the front. There will be two bud tenders. Two people are allowed with each bud tender at one time, so a total of 4 people can be in the dispensary at one time.

Attorney McPhedran indicated that Mr. Martinez, if approved, would need to obtain a Sign Permit from the City, but wondered if he had any plans for signage out front. Mr. Martinez stated that it would be a nicer sign, nothing too gaudy. Attorney McPhedran asked the petitioner if he understood that in regard to any improvements on the property, he would have to comply with all City codes and building regulations under the auspices of the city's Building Inspector and City Engineer. Mr. Martinez stated that he would cooperate in that regard.

Bob Thompson asked if he had applied for any other variances, in any other communities in case this does not go through. Mr. Martinez stated that he has not and that this is his one shot.

Luke Tomsha asked Mr. Martinez if he were to be approved here in La Salle, but the state did not approve the location, is it his intention to use the license locally still. Luke Tomsha asked if he was committed to La Salle. Mr. Martinez stated that he is committed to La Salle.

Sam McNeilly suggested that if he were granted this license, he believes the public meetings are a great idea to educate the community.

John Fletcher asked if Mr. Martinez would handle both medical and recreational cannabis. Mr. Martinez stated that he would only sell recreational cannabis as medical cannabis sales are an entirely different situation.

Mr. Happ questioned if the Special Use Permit would be issued to Mr. Martinez individually or to the building owner. Attorney McPhedran stated that the permit would be for Mr. Martinez individually as he is the applicant. However, we insisted on consent from both the building owner and contract purchaser because as we understand it there is a record owner who is selling the property on contract to an individual with whom Mr. Martinez has an option to lease. Any permit that would be granted would be subject to a lease being entered into, with the City Council needing to approve the permit as well with any restrictions and parameters they deem necessary.

Luke Tomsha asked if this is approved and he does get the license will this need to be re-evaluated? Attorney McPhedran stated that it depends on the circumstances. Mr. Martinez has indicated that he is only at present asking for a permit for 853 First Street, so that is what is up for consideration for the Planning Commission and council. If he chooses another location, he will have to go through the process again.

Larry Happ questioned Mr. Martinez about fire walls and how the business is protected in the event of a fire. Chairman Pigati stated that we have never asked that questions of other petitioners. Mr. Martinez stated that there will be no cooking and it is not a smoking lounge or growing establishment.

Bart Hartauer questioned that in the case Mr. Martinez does not get approved by the City for this location, but receives the license from the state, could he reapply for a

different location. Mr. Martinez stated that it would be up to the State of Illinois. He indicated on his application to the state that he was interested in the 853 First Street location because of its location in the blue light district. Bart Hartauer asked if we have a map of the blue light area. Mr. Martinez stated that he had one on his phone. Leah Inman asked if it goes west of Joliet Street.

Katherine Koyak stated that the blue light district goes from Marquette Street east to Sterling up to 8th Street with some small cutouts.

Jeff Sloan inquired about the variance from 250' to 1'. Attorney McPhedran stated that although the zoning of C-3 allows for the operation of a recreational cannabis dispensary at the proposed location, there were other parameters that needed to be met as defined in the Zoning Ordinance and the Cannabis Ordinance. Mr. Sloan stated that the Planning Commission accepted the parameters as suggested by the IML recently and was curious why the IML set the 250' foot parameter. Attorney McPhedran stated that it was out of concern for residential areas. In some communities, there may not be an issue with residential in the commercial area. However, in our case there would be very few locations in our downtown where a variance from the 250' requirement from residential would not be required. Attorney McPhedran stated that this is a point that may need to be looked at in the future by the Planning Commission and City Council. The requirement for a Special Use Permit allows the Planning Commission to determine if a particular building is suitable for a particular business keeping in mind the public and other businesses.

Tom Pigati confirmed that Mr. Martinez resides in La Salle at 1227-Sixth Street in La Salle.

Planning Commission and Zoning Board of Appeals member Nikki Baer, who was unable to attend the hearing submitted comments via email earlier in the day to City Clerk Carrie Brown. A copy was provided to board members as well as the petitioner. Zoning Board of Appeals Chairman Bob Thompson read Mrs. Baer's comments.

"I work in Ottawa and drive by the dispensary that is already open there. So, speaking from my own observations...

The people standing in line is over a block long on a regular basis.

It lasts almost the entire time the dispensary is open, especially on Saturdays.

The parking has become a major issue as people are parking in other businesses parking lots. This takes away space for their clients to park and drives away business.

This has not been a neighborly result for surrounding businesses ever since its opening.

I feel our existing businesses must be considered and how they expect the City to protect them and not block traffic, block sidewalks, and take up valuable parking that is already at a premium in town.

My vote would be no to letting a dispensary open downtown La Salle."

Chairman Pigati stated that two other letters were submitted to the boards with comments on the matter. Attorney McPhedran asked if the boards would like them to be made part of the record. John Fletcher stated that on one letter the person submitting the letter only signed with the first name of Peter, therefore he did not believe it should

be considered. Larry Happ agreed that we should not accept letters from the public unless there is someone present to read the letter. He stated, however, that a letter from a board member is acceptable to read aloud. Mr. Happ stated that he is not opposed to them being made to part of the record.

Attorney McPhedran stated if they are not subject to cross examination there have been circumstances in the past where both the Planning Commission and the Zoning Board of Appeals have allowed letters. However, the boards have the right to decide and to vote for what they want to be considered as evidence since the persons are not present and if the comments should be read into the record. They could also be allowed as part of the record, but not considered as part of their decision.

Planning Commission

It was moved by John Fletcher and seconded by Tyler Ketter to include the letters as part of the record (Exhibits #3 and #4) but not be read aloud. Each and every member has a copy.

ROLL CALL:

AYES: Tom Pigati, John Fletcher, Larry Happ, Leah Inman, Tyler Ketter, Luke Tomsha

NAYS: Bart Hartauer, Jeff Sloan

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Motion carried. 6-2

Neil Pleskovitch stated that he received the letter and it was from Peter Limberger who is investing \$3 million in La Salle so deserves to be heard.

Larry Happ stated that since Mr. Pleskovitch has a copy of the letter, he can read the letter aloud during the Comment period if he so chooses. Bart Hartauer stated that he thinks the letter should be read aloud.

Zoning Board of Appeals

Moved by Bob Thompson and seconded by Sam McNeilly to read the letters publicly and include them as part of the record. Each and every member has a copy.

AYES: Bob Thompson, Sam McNeilly

NAYS: Larry Happ, Mike Schmotzer

ABSENT: Nikki Baer, June Gardner

Motion failed due to a tie. 2-2

Chairman Pigati then opened the floor to public comment and swore each speaker in prior to their comments.

Mr. Daniel Smith of Spring Valley stated that Mr. Martinez just wants to move forward with his business. He stated that Mr. Martinez "is not a criminal and is a working guy trying to do the right thing." He stated that he knows him and he trusts him to do the right thing.

Neil Pleskovitch owner of Luscious Moi Salon and resident of La Salle stated that although he applauds Mr. Martinez's entrepreneurial spirit and thinks he has a great idea, in speaking to other business owners in his block however, they observe that with Nina's during lunch hour alone the parking is filled. He stated sometimes his clients have to park two blocks down which is of particular concern to his elderly clients. He referenced one of the letters that was submitted but not read as being from the owner of

She & The Stork, LLC. He indicated that she, too, was displeased with the dispensary being in the block. There was also mention of a possible business moving into Sweet Sadie's at some point which could add to the parking issues. With the development of The Rocket within the block, owners are optimistic as the new business will be a catalyst for the block. He added that Peter has the vision and the means to make it happen. However, that will cap off parking possibilities for his business because of the Rocket and Nina's. He stated he is not opposed to cannabis, but in reference to Ottawa, he said the parking is insane. He said there are two full-time security guards that sit outside at all times. He suggested the board visit the block at lunch to see what the parking is like with Nina's. He stated that he is not opposed to marijuana or new ideas, but not necessarily in this block. Mr. Pleskovitch said he knows the Flamingo may be an option for Mr. Martinez, but that is not written in stone. The parking has to be dealt with and he is unsure a dispensary should be on the city's shopping street and suggested that perhaps it could go on Third Street or Fifth Street. He cited the example of the Mayor of Chicago who recently prohibited dispensaries from operating on Michigan Avenue and surrounding streets as that is their income producing area of town.

Attorney McPhedran asked Mr. Pleskovitch to confirm for the record that the letter he received and mentioned earlier was in fact from Peter Limberger. Mr. Pleskovitch confirmed that was correct. He also said the other letter was from Flynn Keene owner of She & The Stork, LLC.

Larry Happ stated that he respects Mr. Pleskovitch for coming and for his comments about parking, but as a long term La Salle business owner Mr. Happ stated that Mr. Pleskovitch must be aware that parking has always been an issue in the downtown. Mr. Happ continued saying that if he uses Mr. Pleskovitch's terminology about lunch time, etc. would he then advise a clothing store not to come to downtown La Salle or would he have the same concerns?

Mr. Pleskovitch stated that this is completely different scenario because licenses are just being issued and because of the demand for the product. He stated that people are driving 50-60 miles for the product. It is supply and demand. You do not see that same kind of demand for other stores, such as clothing stores because it is a different product. Larry Happ used the example of needing to go to a business near the Uptown at lunch, should he be mad because the parking is being taken up by the Uptown customers?

Mr. Pleskovitch replied that it is not about being mad, it is just about ebb and flow and being that it is already a problem how is that going to serve his (Mr. Martinez's) customers well? Larry Happ asked if Mr. Pleskovitch believes that all employees park off of First Street that work at the businesses?

He responded, "all that can, do." Mr. Happ stated that there has always been an issue getting employees off the street. He said he only brings this up because it is factual. Mr. Happ stated that everyone who takes a business in a downtown whether La Salle, Peru etc. you know when you take it the restriction on parking is limited.

Mr. Happ said he thinks we need to give Mr. Martinez the opportunity to work with the Flamingo which in the end may or may not suffice, but we should give him the chance to try. He added that he does not personally want to send out a message to other businesses not to come to La Salle because parking isn't too good because the downtown businesses are complaining about new businesses coming into town.

Mr. Pleskovitch stated that when The Rocket goes forward, this could be a disaster. Mr. Pleskovitch stated that he is looking at continued growth in that block and added that with the video gaming businesses and now potential cannabis dispensary, there is a lot of seediness in one block. Mr. Happ stated that those businesses are paying taxes and City water, etc. Mr. Pleskovitch stated that he is not trying to play devil's advocate, but this is his point of view and he is not for it.

Brief discussion followed about The Rocket. John Fletcher inquired what this was. Mr. Pleskovitch stated that it is new restaurant that Peter Limberger is opening in the former Maytag Building. He said it a \$3,000,000 investment with six luxury condos upstairs.

Mr. Martinez followed by posing the question.. what if I were to open the hottest sushi restaurant in La Salle County and hundreds of people came to his restaurant from outlying areas to have his food? Would we be having the same complaints about the parking?

Tom Pigati asked if Mr. Limberger will have any off-street parking. It was determined there was some off-street parking to the north, but that mostly takes care of the residential units only, not customers.

Mr. Martinez stated that in Colorado in 2018, \$270,000,000 million dollars in marijuana taxes were recorded compared to \$45,000,000 million in alcohol taxes.

Mark Schneider reminded the public that due to the past wisdom of the Zoning and Planning Commissions and the City Council, the downtown historic district is now limited in regard to adding new video gaming establishments.

Alderman Demes explained that the City Council recently passed an ordinance that prohibits trailer parking on Hennepin Street from First Street to Canal Street which hopefully will open up some parking in the area. Mr. Pleskovitch stated that his main concern is his elderly clients who don't want to walk three blocks to get a haircut. Alderman Demes stated that his point is that the City is trying to address parking issues.

It was moved by John Fletcher and seconded by Larry Happ that regarding the petitioner, Andrew Martinez, request for the granting of a Special Use Permit for the premises commonly known as 853 First Street, LaSalle, Illinois, and which premises are more particularly described in the public notice which was in the paper, which is hereby made a part hereof, which legal description thereof is hereby made a part hereof and incorporated by reference, for the purpose of the establishment and operation of an Adult-Use Cannabis Dispensing Organization and Related Services Business, and that we further find that the granting of a Special Use Permit would overall be in the public good and further consistent with the purpose and intent of the Comprehensive Plan of the Zoning Ordinance; and thus move that the LaSalle Planning Commission recommend that the LaSalle City Council approve the Petitioner's request for Special Use Permit for a Cannabis Dispensary Organization and Related Endeavors be granted; further subject to the following:

1. The State of Illinois granting a State license in regard to the dispensing of cannabis in regard to this premises;
2. The petitioner, Andrew Martinez, obtaining an appropriate lease in a form satisfactory to the City Council in regard to the subject premises presently owned by Mr.

Frank Fouts, and wherein contract purchaser is Mr. Adam Sondgroth/Sondgroth Holdings, LLC;

3. There being also granted a variance in regard to the provisions in respect to allowing such a dispensary organization to be reduced from 250 feet to 1 foot in regard to the residential use;

4. Such other terms and provisions as the City Council of the City of LaSalle shall deem appropriate in the circumstances in the appropriate exercise of the City Council's direction.

ROLL CALL:

AYES: Tom Pigati, John Fletcher, Larry Happ, Jeff Sloan

NAYS: Bart Hartauer, Leah Inman, Tyler Ketter, Luke Tomsha

ABSENT: Nikki Baer, Charlie Faletti, Jack Sadowski, Don Spayer

Motion failed due to a tie. 4-4

Tyler Ketter asked if it would be allowed to make a motion that grants the permit, but one that is contingent upon receiving a more thorough business plan and a better understanding of what the process will be. He indicated that he believes more information is needed as far as how he plans to proceed.

Attorney McPhedran stated that this vote ended in a tie, so another motion could be made that adds contingencies. Tyler Ketter stated that he thinks it is important for the board to know how his business will fit into aesthetics of the community, further information as far as the parking situation and does it meet the vision for First Street in La Salle. He added that for him there were questions that remain unanswered this evening. Attorney McPhedran asked if he would like to make a motion to continue the hearing so those items could be addressed at a future date. Mr. Ketter stated that if those types of questions were not addressed by the petitioner at this time, he is not sure they will at another time. He indicated that he thought more planning needed to go into this before it was brought before the boards for consideration.

Larry Happ said that in regard to infrastructure it is up to the state to set those parameters and his plans had to be included as part of the application to the State of Illinois. The Planning Commission is here only to see if he meets our City rules.

Tom Pigati asked that if the petitioner had come forward with an official parking arrangement would the vote have been any different by the Planning Commission.

Luke Tomsha stated that his vote would be different if he saw a few more details of the plan. He added that he is not against it being downtown.

Leah Inman stated that she would have liked to have seen more concrete answers on the open houses and community education programs he would be having and also that he had a specific conversation with the owner of the Flamingo with regard to parking.

Mr. Martinez responded by saying if he were opening another type of business would they require the same thing and have the same questions? Leah Inman stated that she would have the same questions and that she is not against his business plan.

Luke Tomsha said he is not concerned about parking as much as dissuading a potential \$3,000,000 investment on that block specifically. Mr. Tomsha stated that he would love to see his business downtown La Salle and wants him to be successful as he knows the

investment it takes for such a thing. However, he does not want it to come at the cost of dissuading a large investment on that same block when there are already letters submitted with concerns. He stated it would be nice to see a visual plan and layout and maybe some other potential locations. He stated that he wants to see him succeed as he knows it will help La Salle and is all for him.

Mr. Martinez again stated that he chose that location because it was in the blue light district. If it were in other areas like near Flying J, he would not have a chance. He added that the state has many contingencies, so it is not a place where people will be hanging out smoking cannabis in the front. The educational classes will probably be held at IVCC.

Tom Pigati stated that he thought Mr. Martinez brought up a valid point. He stated that what he is selling does make a difference. If someone was wanting to open a restaurant or clothing store, he did not believe the boards would be asking the same questions. Leah Inman stated that she disagreed.

Mr. Martinez stated that there is always hype with every new business, but it will die down and he realistically will not open for at least a year.

Bart Hartauer stated that he hopes he succeeds and hopes it is in La Salle, but he does see parking as a problem. Mr. Hartauer continued by saying that if in fact we are opening a new restaurant we could end up with two failed businesses and it could also affect other existing businesses. Since he has to be in the 'blue light district' Mr. Hartauer asked if we have tried to help him find optional locations since the district goes up as far as 8th Street. He said he wants to see this go through and is not against it, but is concerned about putting two very heavy businesses on one block when we already have a parking issue. Mr. Hartauer suggested we may need to consider buying up some old buildings and taking them down to create parking lots. We may need to take some progressive steps to address the parking issue. He stated we have more locations on other streets that could be options.

Larry Happ responded that then you get into more residential areas. Mr. Hartauer responded that there is residential in the downtown area as well.

Mr. Martinez commented that people that live downtown are already used to the mix of commercial and residential.

Mr. Hartauer stated that he does not believe people will not go to a dispensary because it is not located downtown. In his opinion people are going to the dispensary for one reason, so it will not make a difference if it is on First Street or Fourth Street.

Attorney McPhedran stated that by ordinance, dispensaries are only allowed in areas zoned C-2, C-3, M-1 and M-2, so some of the residential areas mentioned by Mr. Hartauer may not be an option without an amendment to the ordinance. Mr. Hartauer asked if we are making an amendment on this one. Attorney McPhedran stated that in this instance the zoning is C-3, but a variance is required due to the proximity to residential. Mr. Hartauer asked if the same thing could be done in other areas. Attorney McPhedran stated that in a total residential area you could get into spot zoning issues. However, locations on 8th Street could be considered as he believes it to be zoned C-2.

However, First, Second and Third Street are zoned C-3. Attorney McPhedran asked if anyone wanted to make a revised motion since the other motion ended in a tie. Mayor Grove asked to comment.

Mayor Jeff Grove inquired as to who on the board thinks there is already a perception that parking is a problem downtown on First Street. A few members responded that there is a problem in certain locations. He then asked, "Is this going to be something new we are not already facing? He continued by saying that if an entrepreneur knows the existing atmosphere they are coming into, it's their choice to put the capital in. Rocket... they know what is going on right now. Mr. Martinez knows. We are not here to save people... it is their choice to come when they want to come. We do not have to say, you are going to fail because there is not enough parking. That is not our job that is not the city's job. Our job is to determine if we want to give a Special Use Permit or not. The parking is an issue, it has always been an issue. If you talk to Peter and his assistant Nathan, they do not think there is a parking issue downtown because they have the same situation with the Kaskaskia. We don't have the luxury of determining which businesses can come in. This is the east end and we are trying to move that way. Mayor continued by saying that he is all about now. He has heard "what ifs" about certain buildings in town for five or six years. Are we going to deny somebody a permit to do something now because of something that may happen at Sweet Sadie's five years down the road? Good question, right? We can't stop, we have to keep moving forward.

Neil Pleskovitch asked why not do what other cities are doing and put it on the outskirts of town. He stated that he is established and has paid taxes for 17 years, so he has a voice as well. He said if it forces him to move his business out of there, then you lose there too. Mayor Grove said it is a personal choice everyone needs to make as far as what works for them. Mr. Pleskovitch stated that maybe he will leave, to which the Mayor responded "I hope you don't." Mr. Pleskovitch continued by saying that if his clients can park there, I get the short end of the stick 17 years in. Mayor Grove continued by saying that he has other empty buildings in that block, so we are not going to fill them just because we think we have a parking problem?

Mr. Martinez asked that since Mr. Pleskovitch is concerned about his older clients, is it possible to put some handicapped parking for him? Larry Happ stated that anyone can use those parking spaces, not just his clients.

Attorney McPhedran stated that since there are some members missing from the Planning Commission, they could make a motion to recess and reconvene in two weeks when a full board was present.

Chairman Pigati explained that the Planning Commission does not have the final say. The Commission is simply making a recommendation to the City Council who will then make the final decision.

Attorney McPhedran stated that the council can be presented with the tie vote. The council can then vote and make a decision or they can send it back to the Planning Commission for further consideration.

Chairman Pigati stated that all members take their time and do not consider these petitions lightly and that is what makes them good members of the boards. He said he is

unsure how many cars the restaurant on the corner will bring to the block. He continued by saying that if a restaurant were coming into 853 First, in his opinion we would not be having this debate. He added that in his opinion it does make a difference as to what is being sold. He did not believe the outcome of these petitions would be the same if it were some other type of business.

Luke Tomsha stated that his vote may have been different if he had seen a visual representation of what Mr. Martinez was bringing downtown La salle. He continued by saying what he is selling did not affect the way he voted. He stated that even if it was a restaurant coming in, he would want to see more specifics and a visual on the manner in which it is being sold. He stated that he is not against him operating in downtown La Salle. He doesn't want to vote something through without more details. Mr. Martinez stated it will be a nice establishment and he will work with the police department on parking, etc.

Mayor Grove stated that the City has the leverage to make sure the building is up to code and looks nice. This is a way to get the building fixed. We will make sure it looks nice. Mr. Martinez asked if they have seen his other businesses, as they are very nice.

Mayor reminded everyone that we are setting a precedent. We could have others who petition to open a dispensary downtown and he does not want to hear that parking isn't an issue for those folks. Mayor wants to make sure we are consistent across the board. He also stated that several commission members have businesses downtown, so he will personally be checking that they and their employees are not parking on First Street as we should be making an effort to help the parking situation.

Chairman Pigati stated that unless someone wanted to make a motion to continue the hearing at a future date, the recommendation will be sent to the City Council as a tie vote.

Zoning Board of Appeals

It was moved by Larry Happ and seconded by Mike Schmotzer that we find the petitioner, Andrew Martinez, request for variances, including that in regard to reducing the minimum required distance of a Cannabis Dispensary Organization within the C-3 Zoning District and the premises at 853 First Street, LaSalle, Illinois (which premises are more particularly described on the Notice of Hearing which is incorporated by reference herein), be reduced from 250 feet to 1 foot, that we find that the request for variance is in the public good, that the same may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the Comprehensive Plan of the City of LaSalle, and further finds that strict application of the terms of the Zoning Ordinance without granting the requested variance in these circumstances would pose a hardship to developer Martinez, and practical difficulties and thus we recommend the same for approval to the City Council of the City of LaSalle subject to the following:

1. The State of Illinois granting a State license in regard to the dispensing of cannabis in regard to this premises;
2. The petitioner, Andrew Martinez, obtaining an appropriate lease in a form satisfactory to the City Council in regard to the subject premises presently owned by Mr. Frank Fouts, and wherein contract purchaser is Mr. Adam Sondgroth/Sondgroth Holdings, LLC;
3. The granting by the City of LaSalle of a Special Use Permit to the petitioner in regard to the subject premises;

4. Such other terms and provisions as the City Council of the City of LaSalle shall deem appropriate in the circumstances in the appropriate exercise of the City Council's direction.

ROLL CALL:

AYES: Bob Thompson, Larry Happ, Sam McNeilly, Mike Schmotzer, McNeilly,

NAYS: None

ABSENT: Nikki Baer, June Gardner

Motion carried. 4-0

Planning Commission

Moved by Larry Happ and seconded by John Fletcher to adjourn.

Voice vote, all ayes. Motion carried.

Adjourned 6:42 p.m.

Zoning Board of Appeals

Moved by Larry Happ and seconded by Mike Schmotzer to adjourn.

Voice vote, all ayes. Motion carried.

Adjourned 6:42 p.m.



Carrie L. Brown

City Clerk

**Notice of Joint Meeting and Public Hearing Before the City of LaSalle Planning
Commission and the City of LaSalle Zoning Board of Appeals**

PUBLIC NOTICE is hereby provided of a joint public hearing and meeting that will take place on the 3rd day of February, 2020, before the City of La Salle Planning Commission and the City of La Salle Zoning Board of Appeals at 5:00 p.m. in the City Council Chambers at La Salle City Hall, 745 Second Street, LaSalle, Illinois, concerning the following matters and matters related thereto:

Consideration of the requests and petitions of Andrew Martinez, who has a lease with Sondgeroth Holdings, LLC, an Illinois Limited Liability Company, through Adam Sondgeroth, which lease is conditioned and contingent on the obtaining of a license from the State of Illinois in regard to the sale of adult-use recreational cannabis, and the obtaining of all permits related thereto on premises commonly known as 853 First Street, LaSalle, Illinois (hereinafter "the premises"), which 853 First Street premises are a part of LaSalle County PIN 18-15-430-002, and are further a part of the premises described below, which premises are being purchased on contract by Sondgeroth Holdings, LLC, an Illinois Limited Liability Company from Frank R. Fouts, individually as seller, which contract purchaser and seller acquiesce in the petitions and requests of Andrew Martinez herein, which premises are presently zoned C-3, Central Business District within the City of LaSalle, with the petitioner requesting from the City of LaSalle Planning Commission a recommendation for the issuance of a Special Use Permit to use and operate the premises at 853 First Street, LaSalle, Illinois, as an adult-use recreational cannabis dispensary and related purposes business, and which public hearing shall be further regarding consideration of request for approval by the City of LaSalle Zoning Board of Appeals of the petition and requests by the applicant for variances and/or exceptions from the provisions of City of LaSalle Zoning Ordinances in reference to the use and operation of said premises at 853 First Street, LaSalle, Illinois, for purposes of an adult-use cannabis dispensary and related purposes business, specifically including, but not necessary limited to, requesting a variance to reduce from 250 feet to 1 foot the distance allowed in regard to operation and use of said potential cannabis dispensary from premises used as a residential unit (which premises used as a residential unit in this circumstance are zoned C-3, Central Business District), which premises involved concerning which the petitioner is requesting the Special Use Permit and variances as set forth above are again commonly known as a 853 First Street within the City of LaSalle, LaSalle County, Illinois, which are part of LaSalle County PIN 18-15-430-002, which premises are more particularly described as follows:

Parcel #1:

The East Half of Lot One of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, excepting underlying coal and minerals and the right to mine and remove the same, in LaSalle County, Illinois.

Parcel #2:

Easement for the benefit of Parcel #1, herein for non-exclusive rights of ingress and egress only to Parcel #1 herein, over and across the following-described real estate: The East Thirteen (13) feet of the South Five (5) feet of Lot Two (2) of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, in LaSalle County, Illinois.

That in connection with these proceedings and the Public Meetings and Public Hearings in connection therewith, the City of LaSalle Planning Commission and the City of LaSalle Zoning Board of Appeals may take such action and make such recommendations as the Planning Commission of the City of LaSalle and the Zoning Board of Appeals of the City of LaSalle may deem appropriate in the circumstances for recommendation and/or consideration thereto to the City of LaSalle City Council in the appropriate exercise of discretion of the Planning Commission of the City of LaSalle and the Zoning Board of Appeals of the City of LaSalle, including making recommendations in connection with any modifications to any of said requests and or recommendations as to any covenants, terms, and/or restrictions that the LaSalle Planning Commission and/or LaSalle Zoning Board of Appeals may deem appropriate in the circumstances at the time of said Joint City of LaSalle Planning Commission and LaSalle Zoning Board of Appeals meeting and public hearing and/or any continuances and/or reconvening of either and/or both of the same; that in regard to all of such proceedings, all parties will be provided an opportunity to be heard and to examine and to cross-examine all witnesses, all of which proceedings will be conducted pursuant to applicable law.

By: /s/ Tom Pigati, Chairman
City of LaSalle, Illinois
Planning Commission

By: /s/ Bob Thompson, Chairman
City of La Salle, Illinois
Zoning Board of Appeals



City of La Salle

La Salle County, Illinois

City Offices – 745 Second Street – La Salle, Illinois 61301-2501

Bus: 815-223-3755

Fax: 815-223-9508

www.lasalle-il.gov



January 16, 2020

Dear Planning Commission and Zoning Board Members,

There will be a Public Hearing meeting on **Monday, February 3, 2020 at 5:00 p.m.** in the City Council Chambers.

Andrew Martinez has applied to the State of Illinois for a license to operate an Adult-Use Cannabis Dispensing Organization within the City of La Salle. At this time, he awaits word from the State in regard to approval. Mr. Martinez petitioned the City so that in the event he receives approval, all necessary approvals at City level are in place. As you are aware, Adult-Use Cannabis Business Establishments require the applicant to obtain a Special Use Permit in the respective district they are requested. Mr. Martinez presently has an option to lease space at 853 First Street for this purpose, contingent upon receiving a license from the State of Illinois, as well as approval by the City of La Salle. Adam Sondgeroth/Sondgeroth Holdings, LLC is the landlord of the building and contract purchaser from the current owner on record, Mr. Frank Fouts. Both the owner on record and contract purchaser have given written consent and approval for Mr. Martinez to operate a cannabis dispensary from this location should he obtain the needed approvals.

Therefore, the Planning Commission will hear Mr. Martinez' request for a Special Use Permit.

Members of the Zoning Board of Appeals will hear the petition of Mr. Martinez for a variance. As you are aware, in zoning districts where an Adult-Use Cannabis Dispensing Organization is located, the facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes. The building at 853 First Street is situated less than 250 feet from residential and/or potential residential units and is currently zoned C-3. Therefore, the petitioner is requesting a variance from 250 feet to 1 foot in order to comply with our zoning requirement. His original variance request was specific to the closest occupied residential unit. The amended request is more general in nature as there is potential residential or residential in several locations less than 250 feet from his proposed location.

To ensure a quorum is present, **please call Carrie Brown at 815.223.3755 ext. 5028** as to whether you are able to attend the hearing.

Sincerely,

Tom Pigati (cb)

Tom Pigati, Chairman
Planning Commission Chairman

Bob Thompson (cb)

Bob Thompson
Zoning Board of Appeals Chairman

"The City of La Salle is an equal opportunity provider and employer"

Jeff Grove
Mayor
815-223-3755 Ext. 5026

Carrie Brown
City Clerk
815-223-3755 Ext. 5028

Katherine Toraason
Economic Development Director
815-488-4442
815-223-3755 Ext. 5021

Brian Brown, P.E.
City Engineer
815-223-3755 Ext. 5019

Jeff Bumgarner
Superintendent of Public Works
815-223-3755 Ext. 5022

Lynda Kasik
Park & Recreational Director
815-223-3755, Ext. 5023
815-488-1395

Building Department
815-223-3755 Ext. 5020

**Attorney: James McPhedran of
Anthony Raccuglia & Associates**
815-223-0230

Rob Uranich
Chief of Police
815-223-2131

John Duncan
Finance Director
815-223-3755 Ext. 5029

Andy Bacidore
Fire Chief
815-223-0834

Virginia Kochanowski
City Treasurer
815-224-1191



City of LaSalle

LaSalle County, Illinois
City Offices - 745 Second Street - La Salle, Illinois 61301-2599
Fax: 815-223-9508 www.lasalle-il.gov

VARIANCE REQUEST

Amended

FOR OFFICE USE ONLY

Variance Case No.: _____

Date of Filing: 1/13/20

APPLICANT. Set forth the full name(s) of each of the Applicant(s) as appearing on the deed or other instrument of transfer for the property and specify the nature of the legal or equitable ownership interest of the Applicant(s) in the property and the date any such interest was acquired.

Andrew Martinez

1/9/2020

APPLICANT NAME(S)

DATE OF APPLICATION

1227 Sixth Street

ADDRESS

andrewluismartinez@gmail.com

EMAIL ADDRESS

815.579.0845

DAYTIME PHONE NUMBER

CELL PHONE NUMBER

☐ Owner

☐ Contract Purchase

☒ Other: LEASE

APPLICANT(S) INTEREST IN PROPERTY

Adam Sondgroth

NAME OF OWNER OF RECORD, IF DIFFERENT FROM THE APPLICANT

109 N. Troy Street Troy Grove, Illinois 61372

ADDRESS OF OWNER OF RECORD

EMAIL ADDRESS

815.488.5208

DAYTIME PHONE NUMBER

CELL PHONE NUMBER

2. **PROPERTY.** Attach a copy of the legal description, common address, and Zoning Classification of the property (Note: The City of La Salle CANNOT fill in the legal description for you. You can find the legal description on your mortgage or title search or your Property Tax Bill. The legal description is required before the application can be processed).

853 First Street

COMMON ADDRESS

C-3

CURRENT ZONING CLASSIFICATION

Briefly state below the reason(s) for requesting the Variance Request, and describe any construction that you anticipate if the change is granted. Use additional sheets of paper if necessary.

Variance from 250ft to 1 foot from residential units or zoning as required to operate an Adult-Use Cannabis Dispensary in C-3 Zoning at 853 First Street.

3. **PLAT.** Submit a plat plan, approximately to scale, of the property showing the lot lines, dimensions, and where the Variance Request is sought (Scale 1"=50'). If the plat is prepared by the Applicant, it should be on paper no larger than 11x17". If the plat is prepared for the Applicant by a professional architect or engineer, then the plat plan may be on any size paper. At least 15 copies of such plat plan shall be submitted with this application.
4. **ADJACENT PROPERTY OWNERS.** List the names and addresses of all adjacent property owners ("adjacent" means the owners of property that physically touch your property. Exclude property owners across streets and alleys). List this information on a separate sheet of paper.
5. **FILING FEE & COST OF PUBLICATION.** Attach a \$100 filing fee in the form of a check made payable to the City of La Salle. The costs of publishing any notice(s) of the public hearing to be held in connection with this application must also be paid by the Applicant(s) in the form of a check made payable to the City of La Salle, upon being billed by the City for such costs.
6. **SIGNATURES & NOTARIZATION.**

APPLICANT SIGNATURE

APPLICANT SIGNATURE

Notary Public:

Subscribed and sworn before me this 13th day of January, 2020

NOTARY SIGNATURE

Notary Seal:

OFFICIAL SEAL
CARRIE L. BROWN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 02-16-2021



City of LaSalle

La Salle County, Illinois
City Offices - 745 Second Street - La Salle, Illinois 61301-2599
Fax: 815-223-9508 www.lasalle-il.gov

VARIANCE REQUEST

FOR OFFICE USE ONLY

Variance Case No.: _____

Date of Filing: _____

APPLICANT. Set forth the full name(s) of each of the Applicant(s) as appearing on the deed or other instrument of transfer for the property and specify the nature of the legal or equitable ownership interest of the Applicant(s) in the property and the date any such interest was acquired.

Andrew Martinez

12/12/19

1227 Sixth St. LaSalle IL

andrew.luis.martinez@gmail.com

815-579-0845

☐ Owner

☐ Contract Purchase

☒ Other: lease

Adam Sondgroth

169 N. Troy St. Troy Grove, IL 61372

815-488-5208

CELL PHONE NUMBER

2. PROPERTY. Attach a copy of the legal description, common address, and Zoning Classification of the property (Note: The City of La Salle CANNOT fill in the legal description for you. You can find the legal description on your mortgage or title search or your Property Tax Bill. The legal description is required before the application can be processed).

853 FIRST

COMMON ADDRESS

C-3

CURRENT ZONING CLASSIFICATION

Briefly state below the reason(s) for requesting the Variance Request, and describe any construction that you anticipate if the change is granted. Use additional sheets of paper if necessary.

Remodel inside of building. Paint front of building.
Variance from 250 ft to 133 ft as required to operate a Cannabis Dispensary in C-3 zoning at 853 FIRST

3. PLAT. Submit a plat plan, approximately to scale, of the property showing the lot lines, dimensions, and where the Variance Request is sought (Scale 1"=50'). If the plat is prepared by the Applicant, it should be on paper no larger than 11x17". If the plat is prepared for the Applicant by a professional architect or engineer, then the plat plan may be on any size paper. At least 15 copies of such plat plan shall be submitted with this application.

4. ADJACENT PROPERTY OWNERS. List the names and addresses of all adjacent property owners ("adjacent" means the owners of property that physically touch your property. Exclude property owners across streets and alleys). List this information on a separate sheet of paper.

5. FILING FEE & COST OF PUBLICATION. Attach a \$100 filing fee in the form of a check made payable to the City of La Salle. The costs of publishing any notice(s) of the public hearing to be held in connection with this application must also be paid by the Applicant(s) in the form of a check made payable to the City of La Salle, upon being billed by the City for such costs.

6. SIGNATURES & NOTARIZATION.

APPLICANT SIGNATURE

APPLICANT SIGNATURE

Notary Public:

Subscribed and sworn before me this 12th day of December 2019.

NOTARY SIGNATURE

Notary Seal:

OFFICIAL SEAL
CARRIE L. BROWN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 02-16-2021

COPY
5

MEMORANDUM OF AGREEMENT

DOCUMENT PREPARED BY AND RETURN TO:

Attorney Patrick A. Barry
160 Marquette Street
P.O. Box 517
LaSalle, IL 61301

MAIL TAX BILL TO:

Sondgeroth Holdings, LLC
P.O. Box 107
Troy Grove, IL 61372

THIS INSTRUMENT is executed the 1st day of September, 2017, by and between **FRANK R. FOUTS**, as Seller, and **SONDGEROTH HOLDINGS, LLC**, an Illinois Limited Liability Company, as Buyer. The parties hereto agree as follows:

1) The parties hereto have executed an Installment Agreement for the Sale of Real Estate providing for the sale by Seller and purchase by Buyer of the following-described real estate, to wit:

Parcel #1:

Lot One of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, excepting underlying coal and minerals and the right to mine and remove the same, in LaSalle County, Illinois.

Parcel #2:

Easement for the benefit of Parcel #1 herein for non-exclusive rights of ingress and egress only to Parcel #1 herein, over and across the following-described real estate: The East Thirteen (13) feet of the South Five (5) feet of Lot Two (2) of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, in LaSalle County, Illinois.

Property Address:
851-853 1st Street
LaSalle, IL 61301

2) Said Agreement provides for One Hundred Nineteen (119) consecutive, monthly payments commencing October 1, 2017, and continuing on the same date of each month thereafter with a final balloon payment due and payable September 1, 2027.

3) Said Agreement provides for interest on the unpaid principal balance.

4) Said Agreement also provides for other details concerning the sale and purchase of the above-described real estate.

5) This Memorandum is executed for the purpose of recording and thereby giving notice of the existence of said Agreement and the rights of Buyer in the above-described real estate.

SONDGEROTH HOLDINGS, LLC, Buyer



FRANK R. FOUTS, Seller

By: 

ADAM SONDGEROTH

SECTION I

PREMISES

Seller shall sell and convey and Buyer shall purchase, on the terms and conditions hereinafter set forth, the real property, together with all improvements thereon and all appurtenances thereto, located at 851-853 1st Street, LaSalle, Illinois, more particularly described as: TAX ID. 18-15-430-002

Parcel #1:

Lot One of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, excepting underlying coal and minerals and the right to mine and remove the same, in LaSalle County, Illinois.

Parcel #2:

Easement for the benefit of Parcel #1 herein for non-exclusive rights of ingress and egress only to Parcel #1 herein, over and across the following-described real estate: The East Thirteen (13) feet of the South Five (5) feet of Lot Two (2) of Ebener's Re-Subdivision being a Re-Subdivision of the East Forty (40) feet of Lot Fourteen (14) in Block One Hundred Eighteen (118) in the Original Town (now City) of LaSalle, Illinois, according to the Plat thereof recorded September 30, 1999, as Document No. 99-25672, in LaSalle County, Illinois.

SECTION II

PURCHASE PRICE, TERMS OF PAYMENT

The total purchase price for said real estate is Fifty-eight Thousand and no/100ths (\$58,000.00) Dollars. Said purchase price, plus interest at the rate of Seven percent (7%) per annum, from and after September 1, 2017, is due and payable in One Hundred

December 11, 2019

To Whom it may Concern:

I do not have any issues or concerns with Mr. Andrew Martinez conducting a legal business at the location of 851/853 1st. St., LaSalle, IL 61301 retailing marijuana.

Contract Holder

A handwritten signature in black ink, appearing to read "Frank R. Fouts", with a large, stylized flourish at the end.

Frank R. Fouts

To whom it may concern:

My lease with Mr. Martinez at the location at 853 1st st LaSalle, Il is solely contingent upon him acquiring a license to operate a legal cannabis dispensary at that location. I have full legal rights to lease the building per my Memorandum of Contract with Mr. Frank Fouts, which is filed in the LaSalle Co courthouse.

Thank you,

Adam Sondgeroth

A handwritten signature in dark ink, appearing to read 'Adam Sondgeroth', written in a cursive style.

Andrew Martinez

A handwritten signature in dark ink, appearing to read 'Andrew Martinez', written in a cursive style.

Commercial Gross Lease

1. **Names.** This lease is made by Adam Sondgerott, Landlord, and Andrew Martinez, Tenant.

2. **Premises Being Leased.** Landlord is leasing to Tenant and Tenant is leasing from Landlord the following premises:

853 1st St

3. **Term of Lease.** This lease begins on March 2020 and ends on March 2022.

4. **Rent.** Tenant will pay rent in advance on the 1st day of each month. Tenant's first rent payment will be on March 1st 2020 in the amount of \$ 500. Tenant will pay rent of \$ 500 per month thereafter.

☐ Tenant will pay this rental amount for the entire term of the lease.

☒ Rent will increase each year, on the anniversary of the starting date in paragraph 3, as follows: \$100 yearly.

5. Option to Extend Lease

☒ First Option. Landlord grants Tenant the option to extend this lease for an additional 3 years. To exercise this option, Tenant must give Landlord written notice on or before 90 days. Tenant may exercise this option only if Tenant is in substantial compliance with the terms of this lease. Tenant will lease the premises on the same terms as in this lease except as follows: to re negotiate rental amounts as well as taxes.

☐ Second Option. If Tenant exercises the option granted above, Tenant will then have the option to extend this lease for _____ years beyond the first option period. To exercise this option, Tenant must give Landlord written notice on or before _____. Tenant may exercise this option only if Tenant is in substantial compliance with the terms of this lease. Tenant will lease the premises on the same terms as in this lease except as follows: _____.

6. **Security Deposit.** Tenant has deposited \$ 1000 with Landlord as security for Tenant's performance of this lease. Landlord will refund the full security deposit to Tenant within 14 days following the end of the lease if Tenant returns the premises to Landlord in good condition (except for reasonable wear and tear) and Tenant has paid Landlord all sums due under this lease. Otherwise, Landlord may deduct any amounts required to place the premises in good condition and to pay for any money owed to Landlord under the lease.

7. Improvements by Landlord

☐ Before the lease term begins, Landlord (at Landlord's expense) will make the repairs and improvements listed in Attachment 1 to this contract.

☒ Tenant accepts the premises in "as is" condition. Landlord need not provide any repairs or improvements before the lease term begins.

8. **Improvements by Tenant.** Tenant may make alterations and improvements to the premises after obtaining the Landlord's written consent, which will not be unreasonably withheld. At any time before this lease ends, Tenant may remove any of Tenant's alterations and improvements, as long as Tenant repairs any damage

caused by attaching the items to or removing them from the premises.

9. Tenant's Use of Premises. Tenant will use the premises for the following business purposes:

Recreational Marijuana Dispensary

Tenant may also use the premises for purposes reasonably related to the main use.

10. Landlord's Representations. Landlord represents that:

- A. At the beginning of the lease term, the premises will be properly zoned for Tenant's stated use and will be in compliance with all applicable laws and regulations.
- B. The premises have not been used for the storage or disposal of any toxic or hazardous substance, and Landlord has received no notice from any governmental authority concerning removal of any toxic or hazardous substance from the property.

11. Utilities and Services. Landlord will pay for the following utilities and services:

- ☐ Water
- ☐ Electricity
- ☐ Gas
- ☐ Heat
- ☐ Air-Conditioning

Any items not checked will be the responsibility of Tenant.

12. Maintenance and Repairs

- A. Landlord will maintain and make all necessary repairs to: (1) the roof, structural components, exterior walls, and interior common walls of the premises, and (2) ~~the plumbing, electrical, heating, ventilating, and air conditioning systems.~~ *Interior responsibility of tenant AS*
- ~~B. Landlord will regularly clean and maintain (including snow removal) the parking areas, yards, common areas, and exterior of the building and remove all litter so that the premises will be kept in an attractive condition.~~
- C. Tenant will clean and maintain Tenant's portion of the building so that it will be kept in an attractive condition.

13. Insurance

- A. Landlord will carry fire and extended coverage insurance on the building. *tenant to pay anything above base*
- B. Tenant will carry public liability insurance; this insurance will include Landlord as an insured party and will be primary to any liability insurance maintained by landlord. The public liability coverage for personal injury will be in at least the following amounts:
 - \$ 2m per occurrence.
 - \$ _____ in any one year.
- C. Landlord and Tenant release each other from any liability to the other for any property loss, property damage, or personal injury to the extent covered by insurance carried by the party suffering the loss, damage, or injury.
- D. Tenant will give Landlord a copy of all insurance policies that this lease requires Tenant to obtain.

14. Taxes

- A. Landlord will pay all real property taxes levied and assessed against the premises. *promoted by execution*
- B. Tenant will pay all personal property taxes levied and assessed against Tenant's personal property.

15. Subletting and Assignment. Tenant will not assign this lease or sublet any part of the premises without the written consent of Landlord. Landlord will not unreasonably withhold such consent.

16. Damage to Premises

- A. If the premises are damaged through fire or other cause not the fault of Tenant, Tenant will owe no rent for any period during which Tenant is substantially deprived of the use of the premises.
- B. If Tenant is substantially deprived of the use of the premises for more than 90 days because of such damage, Tenant may terminate this lease by delivering written notice of termination to Landlord.

17. Notice of Default. Before starting a legal action to recover possession of the premises based on Tenant's default, Landlord will notify Tenant in writing of the default. Landlord will take legal action only if Tenant does not correct the default within ten days after written notice is given or mailed to Tenant.

18. Quiet Enjoyment. As long as Tenant is not in default under the terms of this lease, Tenant will have the right to occupy the premises peacefully and without interference.

19. Eminent Domain. This lease will become void if any part of the leased premises or the building in which the leased premises are located are taken by eminent domain. Tenant has the right to receive and keep any amount of money that the agency taking the premises by eminent domain pays for the value of Tenant's lease, its loss of business, and for moving and relocation expenses.

20. Holding Over. If Tenant remains in possession after this lease ends, the continuing tenancy will be from month to month.

22. Disputes

☒ Litigation. If a dispute arises, either party may take the matter to court.

☐ Mediation and Possible Litigation. If a dispute arises, the parties will try in good faith to settle it through mediation conducted by

- ☐ _____
- ☐ a mediator to be mutually selected.

The parties will share the costs of the mediator equally. Each party will cooperate fully and fairly with the mediator and will attempt to reach a mutually satisfactory compromise to the dispute. If the dispute is not resolved within 30 days after it is referred to the mediator, either party may take the matter to court.

☐ Mediation and Possible Arbitration. If a dispute arises, the parties will try in good faith to settle it through mediation conducted by

- ☐ _____
- ☐ a mediator to be mutually selected.

The parties will share the costs of the mediator equally. Each party will cooperate fully and fairly with the mediator and will attempt to reach a mutually satisfactory compromise to the dispute. If the dispute is not resolved within 30 days after it is referred to the mediator, it will be arbitrated by

- ☐ _____
- ☐ an arbitrator to be mutually selected.

Judgment on the arbitration award may be entered in any court that has jurisdiction over the matter.

Costs of arbitration, including lawyers' fees, will be allocated by the arbitrator.

Landlord need not participate in mediation or arbitration of a dispute unless Tenant has paid the rent called for by this lease or has placed any unpaid rent in escrow with an agreed upon mediator or arbitrator.

22. Additional Agreements. Landlord and Tenant additionally agree that: ~~there~~ ^{text} increase in responsibility of tenant as well as interior repairs.

23. Entire Agreement. This is the entire agreement between the parties. It replaces and supersedes any and

all oral agreements between the parties, as well as any prior writings.

24. Successors and Assignees. This lease binds and benefits the heirs, successors, and assignees of the parties.

25. Notices. All notices must be in writing. A notice may be delivered to a party at the address that follows a party's signature or to a new address that a party designates in writing. A notice may be delivered:

- ☒ in person
☐ via email, at the addresses provided below
☐ by certified mail, or
☐ by overnight courier.

26. Governing Law. This lease will be governed by and construed in accordance with the laws of the state of

Illinois

27. Counterparts. The parties may sign several identical counterparts of this lease. Any fully signed counterpart shall be treated as an original.

28. Modification. This lease may be modified only by a writing signed by the party against whom such modification is sought to be enforced.

29. Waiver. If one party waives any term or provision of this lease at any time, that waiver will be effective only for the specific instance and specific purpose for which the waiver was given. If either party fails to exercise or delays exercising any of its rights or remedies under this lease, that party retains the right to enforce that term or provision at a later time.

30. Severability. If any court determines that any provision of this lease is invalid or unenforceable, any invalidity or unenforceability will affect only that provision and will not make any other provision of this lease invalid or unenforceable, and shall be modified, amended, or limited only to the extent necessary to render it valid and enforceable.

Dated: 12-16-19

LANDLORD

Name of Business: Sondgeroth Holdings LLC
at PO Box 107, Troy Grove IL

By: Adam Sondgeroth
Printed Name: Adam Sondgeroth
Title: Owner

Address: PO Box 107 Troy Grove IL
Email: adam@sondgerothholdingsllc.com

TENANT

Name of Business: _____
at 853 1st St LaSalle, IL 61301

By: _____
Printed Name: Andrew Martinez
Title: owner - tenant

Address: 1227 Sixth St LaSalle IL 61301
Email: andrew.luis.martinez@gmail.com

☒ **GUARANTOR**

By signing this lease, I personally guarantee the performance of all financial obligations of agreements under this lease.

Dated: 12-16-19

Printed Name: Andrew Martinez Title: Tenant Owner
Address: 1227 Sixth St LaSalle IL 61301
Email: andrew.luis.martinez@gmail.com

Katherine

I just heard that there is discussion about a cannabis dispensary on First Street (on the block just east of Joliet Str). I believe such a dispensary should not be in the downtown area at all; it will reduce the chances of development of any street to higher quality- in the same way as video gambling shacks are preventing developments. I believe it is not in the interest of the city and the majority of its citizens – I believe it is not in the interest of any business owner downtown- it is definitely not in our interest with having now The Rocket investment of \$ 3million at this corner (and interest to do more on this block)

Please let us know what we can do to convince the city council. Please feel free to share my letter with council members or others. I

Thanks

Peter

I agree with Peter, this certainly would not be helpful for further development.

Thank you, Tom Arnold

As a business owner in LaSalle, I am writing to request a denial to any variances to zoning in respect to ANY cannabis dispensaries applying for such at 853 1st Street, LaSalle, the First St business corridor and the surrounding business side streets. There are many other viable locations for this type of business.

The 800-900 block of First St specifically, has an eclectic mix of pedestrian traffic, including students. The U of I Extension has regular workshops and after school events for children. This should not be another business tucked in along the way.

Quite frankly, its alarming the city would spend any consideration on this variance in the requested area. This First St has historically been a family friendly designation for parades and events.

I would hope the final location for this type of business would be accessible only by vehicle and not on foot.

--

Kilian Keene
Flynn Keene

SHE & THE STORK LLC
(Formerly The Stork Club)
918 1st St
La Salle, Illinois 61301
USA
(815) 250-0763